

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY C. JONES,

Petitioner,

v.

B.M. TRATE, Warden-USP Atwater,

Respondent.

Case No. 1:22-cv-01470-HBK (HC)

ORDER VACATING JANUARY 6, 2023
FINDINGS AND RECOMMENDATIONS

(Doc. No. 7)

ORDER MOOTING PETITIONER'S
MOTION TO PROCEED IN FORMA
PAUPERIS


(Doc. No. 2)

Petitioner Gregory C. Jones is a federal prisoner proceeding pro se on his petition for writ of habeas corpus filed under 28 U.S.C. § 2241. (Doc. No. 1). On November 14, 2022, Petitioner moved for leave to proceed *in forma pauperis*. (Doc. No. 2). On January 6, 2023, after Petitioner failed to timely respond to a November 22, 2022 order to show cause why the motion to proceed *in forma pauperis* should not be denied due to Petitioner having sufficient funds in his inmate trust fund account, the undersigned issued Findings and Recommendations recommending that Petitioner's application to proceed *in forma pauperis* be denied and he be assessed the \$5.00 filing fee. (Doc. Nos. 4, 7). On January 17, 2023, before the expiration of the fourteen-day objection period, the Court received the \$5.00 filing fee (receipt no. CAE100052061) for the benefit of Petitioner.

Accordingly, it is **ORDERED**:

1. The January 6, 2023 Findings and Recommendations (Doc. No. 7) are VACATED.
2. Petitioner 's motion for leave to proceed *in forma pauperis* (Doc. No. 2) is MOOT.

Dated: January 19, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE